

# EXHIBIT C

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,  
4 Plaintiff,

5 12-CR-439  
6 (JG)

7 versus United States Courthouse  
8 Brooklyn, N.Y. 11201  
9 JEAN PIERRE NEUHAUS and ROLAND KAUFMANN,

10 Defendant.  
11-----x

12 July 13, 2012  
13 11:30 A.M.

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15 TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT  
16 Before HON. JOHN GLEESON,  
17 UNITED STATES DISTRICT JUDGE

18 A P P E A R A N C E S:  
19 ATTORNEYS FOR GOVERNMENT:

20 LORETTA LYNCH, ESQ.  
21 United States Attorney - Eastern District of New York  
22 271 Cadman Plaza East  
23 Brooklyn, New York 11201  
24 BY: JUSTIN GOODYEAR, ESQ.  
25 SHANNON C. JONES, ESQ.

Assistant United States Attorneys

ATTORNEY FOR DEFENDANT:

KOBRE & KIM, LLP  
Attorney for the Defendant  
1919 M Street, N.W.  
Washington, D.C. 20036  
BY: ERIC J. SNYDER, ESQ.

1                   MR. GOODYEAR: The evidence in this case -- the  
2 government has evidence that we're prepared to turn over. It  
3 includes recordings, E-mail messages with the defendants. But  
4 it also touches on sensitive information that relates to  
5 ongoing law enforcement operations; and for that reason, we  
6 would seek a confidentiality order relating to the evidence.  
7 We've provided that to defense counsel, and I'm not sure  
8 whether they're prepared to agree to it.

9                   THE COURT: You mean a matter of just keeping the  
10 discovery within the defense camp?

11                  MR. GOODYEAR: Exactly.

12                  MR. SNYDER: It goes a little bit beyond that, Your  
13 Honor. And, importantly, we've had a good number of  
14 recordings and the information that he wants to protect for  
15 about four months, almost exactly four months. We've not  
16 disclosed it. That was just on the request of the government.  
17 We have no interest in blowing up any other investigations.  
18 We will not do that.

19                  But as to this order which, I just received a few  
20 minutes ago and quickly reviewed, it's problematic without  
21 some assurances that we're going to be able to fully  
22 investigate the FBI agent. And we've already found instances  
23 where he's violated the laws of other countries. We would  
24 need to be able to do that investigation. So I need some  
25 assurances that I would at least get the full name or the real

1 name and the ability to do that investigation without being  
2 tied or restricted in some way of investigating further any  
3 other instances where this FBI agent has violated the laws of  
4 other countries or violated the Attorney General's guidelines.

5 THE COURT: You know, it's my fault. Maybe you  
6 don't fully appreciate how little I know what you're talking  
7 about.

8 MR. SNYDER: Okay. I can explain further.

9 THE COURT: Who's the FBI agent?

10 MR. SNYDER: My client is a Swiss citizen and a  
11 resident of the UAE. Mr. Neuhaus is a Swiss citizen, and I  
12 have every reason to believe he was in Switzerland when the  
13 agent was telephoning Mr. Neuhaus and when he was telephoning  
14 my client. The government has not indicated whether or not  
15 they sought the guidance of the Office of International  
16 Affairs; but I've now sought and obtained advisory opinions  
17 from lawyers in Switzerland, and I'm getting further  
18 information from the UAE that show that he's violated the laws  
19 of those countries. So my point or my proffer --

20 THE COURT: You mean the agent?

21 MR. SNYDER: The agent has.

22 THE COURT: By making contact with your clients?

23 MR. SNYDER: Absolutely. Absolutely. And I can  
24 give full information to the Court at whatever time you wish.

25 But I don't want to be tied or restricted now from

1 investigating other instances where the agent, whose name I  
2 will not mention here, in other cases and other investigations  
3 violated other countries' laws. I think this would be proper  
4 material to cross-examine the agent, and I want to be able to  
5 investigate that without being tied in any way by a protective  
6 order.

7 So my point is this, Your Honor. I think we can  
8 resolve this; and until we do, I -- neither me nor my client  
9 will do anything to out the name of the agent, either his true  
10 name or his undercover name. But until we make sure that we  
11 have all the assurances we need that we can properly  
12 investigate other instances where this agent has committed  
13 wrongful conduct, I don't think we can have this joint  
14 proposal to Your Honor for a protective order.

15 THE COURT: Sounds like you certainly don't.

16 MR. SNYDER: Correct.

17 THE COURT: And I'm not going to rule now, at the  
18 arraignment, on a unilateral request for a protective order.  
19 I want you to try to work it out.

20 MR. SNYDER: We will.

21 THE COURT: It sounds like there's reasonable  
22 interest on both sides that can be reconciled. Obviously, if  
23 you can't work it out, you know where to find me, and we'll  
24 litigate it.

25 MR. SNYDER: I'm sure we'll work it out, Your Honor,